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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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17 SALLY LOVELAND, et al.,

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19 Plaintiffs,

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21 v.
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FACEBOOK, INC., et al.,

Case No. 3:21-cv-03300-CRB

Hon. Charles R. Breyer

**MOTION TO DISMISS
AND TO CONTINUE STAY ON ANTITRUST CLAIMS**

1. Pursuant to the stipulation and order on severance dated 6/25/2021, Plaintiffs were required to file two new complaints by July 26, 2021, one containing Plaintiffs' antitrust claims ("antitrust complaint") and one containing Plaintiffs' Constitutional, RICO, and state law claims ("misinformation complaint").

2. Plaintiffs have filed an antitrust complaint today and will wait for a ruling on consolidation of related claims before Judge Koh in the San Jose Division of the Northern District of California (*see Klein v. Facebook*, No. 5:20-cv-08570).

3. Plaintiffs have notified Defendants that they are dismissing the remaining claims pending before this Court without prejudice pursuant to Federal Rule of Civil Procedure 41(A)(1)(a) as to all Defendants.

ACCORDINGLY, the Plaintiffs, move that:

- (1) The Court stay Plaintiff's antitrust complaint until a ruling on consolidation of related claims before Judge Koh in the San Jose Division of the Northern District of California (*see Klein v. Facebook*, No. 5:20-cv-08570); and
- (2) Dismiss the remaining Constitutional, RICO, and state law claims in the pending Complaint as to all Defendants without prejudice.

Respectfully Submitted,

Dated: July 26, 2021

FORMERFEDSGROUP.COM LLC

By: /s/ Brad Geyer

BRADFORD L. GEYER

HENNIG KRAMER RUIZ & SINGH, LLP

By: /s/ Rob Hennig

ROB HENNIG

Attorneys for Plaintiffs

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6 **SIGNATURE ATTESTATION**
7

8 I am the ECF User whose identification and password are being used to file the
9 foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have
10 concurred in this filing.

11 Dated: July 26, 2021

12 By: /s/ Brad Geyer

13 Bradford L. Geyer (pro hac vice)

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[PROPOSED] ORDER

IT IS HEREBY ORDERED that:

- (1) The Plaintiff's antitrust complaint is stayed pending a ruling on consolidation of related claims by Judge Koh in the San Jose Division of the Northern District of California (*see Klein v. Facebook*, No. 5:20-cv-08570); and
- (2) The remaining Constitutional, RICO, and state law claims are dismissed as to all Defendants without prejudice.

DATED:

By:

Hon. Charles R. Breyer

United States District Judge